

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EDWARD TRAMMEL,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:13-CV-00813-HEA
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**UNITED STATES OF AMERICA’S NOTICE OF SUPPLEMENTAL AUTHORITY**

COMES NOW the United States of America, by and through undersigned counsel, and hereby submits this Notice of Supplemental Authority that pertains to Petitioner’s Motion for Relief from Judgement (Doc. #40) re: *United States v. McCoy*, No. 21-3895, 2023 WL 2440852 (8th Cir. Mar. 10, 2023).

In his motion, Petitioner claims “actual innocence” due to the Eighth Circuit’s decision in *United States v. McCoy*, 55 F.4th 658 (8th Cir. 2022) (Doc. #40). The United States filed its response (Doc. #44), arguing that Petitioner failed to have his Rule 60(b) motion certified by the Court of Appeals, and his case is factually distinguishable from *McCoy*.

After the United States filed its response, the Eighth Circuit granted the United States’ petition for rehearing en banc in *McCoy*.<sup>1</sup> In its Order, the Court of Appeals vacated the opinion and judgement dated December 15, 2022, on which Petitioner relies. *See McCoy*, 2023 WL 2440852, at \*1. Thus, the lone case on which Trammel relies is no longer valid authority.

For this and all the aforementioned reasons contained within its Response (Doc. #44), the Government prays this Court deny the Petitioner’s Motion for Relief from Judgement (Doc. #40).

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<sup>1</sup> The case is currently set for rehearing en banc on Tuesday, April 11, 2023.

Respectfully submitted,

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United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2023, a copy of the foregoing motion was mailed  
postage prepaid United States Mail first class to:

**Edward Trammel, #38976-044**  
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/s/ Nathan L. Chapman  
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